

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:11CR32-RLV-DSC**

UNITED STATES OF AMERICA)
)
 v.)
)
 CHARLES A. DAVIS,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court *sua sponte* after standby counsel Steven Slawinski notified the Court that he was having difficulty with Defendant. The Court conducted a hearing on this matter on August 31, 2011.

Defendant was indicted on eleven counts of tax fraud on May 19, 2011. Doc. 3. On August 2, 2011, Defendant appeared before the undersigned for his initial appearance. At his initial appearance, Defendant waived counsel, but accepted appointment of standby counsel. The Court approved appointment of Steven Slawinski as standby counsel.

At the hearing, the Court again explained Mr. Slawinski's role as standby counsel to Defendant. The Court reminded Defendant that he was appearing *pro se*, but that standby counsel was available to him as an adviser on legal and procedural matters in the preparation of his case and in court. Mr. Slawinski also indicated his willingness to assist Defendant with witness subpoenas. Defendant asserts a contradictory position. He wants to represent himself, but desires "assistance of counsel." Defendant's understanding of "assistance of counsel" seems to encompass someone who will be at his beck and call while he is in custody. In fact, he asked the Court to appoint someone in that capacity. The Court advised him that only an attorney could be appointed.

Defendant expressed dissatisfaction with Mr. Slawinski. Mr. Slawinski represented that both he and his investigator have met with Defendant at the Caldwell County Jail. In response to

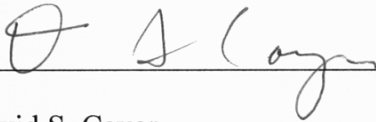
the Court's inquiries, Defendant stated that he no longer wanted standby counsel. The Court reminded him that he would be appearing *pro se*, and Defendant indicated his desire to do so. Defendant made an oral motion to continue his court date scheduled for next week. The Court advised him that he would need to make that motion before the Honorable Richard L. Voorhees, the District Judge assigned to this case. The Government advised that it has filed a "Motion For A New Faretta Hearing" (doc. 21) and that it would address the Motion before Judge Voorhees next week.

Based on the foregoing, the Court orders that Steven Slawinski be removed as standby counsel.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: August 31, 2011



David S. Cayer
United States Magistrate Judge

